

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 18113 of 2005

Date of decision December 14, 2006

Dr. Surinder Kumar Jain and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VINEY MITTAL AND
HON'BLE MR. JUSTICE H. S. BHALLA**

Present:- Sh. Akshay Bhan, Advocate
for the petitioners.

Sh. Sukhdip Singh Brar, Additional
Advocate General, Punjab for respondent No.1.

Sh. Jaspreet Singh, Advocate
for respondent No.2.

Petitioners have approached this Court challenging the order dated November 7, 2005 (Annexure P-4), whereby registration of the petitioners has been suspended under the provisions of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

After hearing learned counsel for the petitioner and taking into consideration the provisions of the Act, we find that the order Annexure P-4 is appealable under Section 21 of the Act. Concededly, no appeal has been filed by the petitioners so far.

In view of the facts and circumstances of the case but without going into the merits of the claim made by the petitioners, we dispose of the present petition and relegate the petitioners to avail of their remedy of statutory appeal, if so advised.

It is, however, directed that if such an appeal is filed by

the petitioners within a period of four weeks from the date a certified copy of the order is received, then the said appeal shall be decided on merits by the appellate authority and shall not be rejected on the ground of limitation and maintainability.

We further direct that the interim order dated November 21, 2005 passed by this Court shall continue to operate in favour of the petitioners for a period of two months from today.

A copy of the order be given dasti on payment of usual charges.

(VINEY MITTAL)
JUDGE

(H.S.BHALLA)
JUDGE

December 14, 2006
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